

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

Case No. 19-cv-1578 (JRT/HB)

Master Case No. 0:18-cv-01776-JRT-HB

This Document Relates To:

WINN-DIXIE STORES, INC., *et. al.*, v.
AGRI STATS, INC., *et al.*;
Case No. 19-cv-1578 (JRT/HB)

DECLARATION OF PATRICK J. AHERN

I, Patrick J. Ahern, declare as follows:

1. I am lead counsel for Plaintiffs Winn-Dixie Stores, Inc. and Bi-Lo Holding LLC (the “Winn-Dixie Plaintiffs”) in this case.

2. I respectfully submit this declaration in accordance with the Court’s Order of February 19, 2020 (Dkt. No.141) which requires the Winn-Dixie Plaintiffs to file an affidavit identifying and attaching as exhibits copies of any of the Class Plaintiffs’ opposition papers which the Winn-Dixie Plaintiffs are joining in for their responses to the Defendants’ Motions to Dismiss the Winn-Dixie Plaintiffs’ Second Amended Complaint.

3. The Defendants have filed both joint and individual motions to dismiss the Winn-Dixie Plaintiffs Second Amended Complaint. *See* Dkt Nos. 99, (Defendants’ Joint Motion), and Defendants’ individual motions at Dkt. Nos. 102 (Clemens), 105 (Hormel), 108 (Indiana Packers), 114 (Seaboard), 117 (Smithfield), 120 (Triumph), 122 (Tyson) and 125 (Agri Stats).

4. As noted in The Winn-Dixie Plaintiffs' Response In Opposition To Defendants' Joint Motion To Dismiss The Second Amended Complaint Of Winn-Dixie Stores And Bi-Lo Holdings, LLC, the Winn-Dixie Plaintiffs have joined in the [Class] Plaintiffs' Opposition To Defendants' Joint Motion To Dismiss The Direct Purchaser Plaintiffs' Complaint And The Federal Law Claims In The Indirect Purchaser Plaintiffs' Complaints For Failure To State A Claim Upon Which Relief May Be Granted which was previously filed at Dkt. No. 476 in *In Re Pork Antitrust Litigation*, case no. 18-cv-1776 (JRT/HB).

5. A true and correct copy of the Class Plaintiffs' Opposition to Defendants' Joint Motion to Dismiss (which the Winn-Dixie Plaintiffs have joined) is attached hereto as Exhibit 1.

6. Likewise, as indicated in The Winn-Dixie Plaintiffs' Omnibus Response In Opposition to the Individual Motions to Dismiss filed by Defendants Clemens, Hormel, Indiana Packers, JBS USA Food Company, Seaboard, Smithfield, Triumph, Tyson and Agri Stats (the "Winn-Dixie Plaintiffs' Omnibus Opposition to the Individual Motions to Dismiss"), the Winn-Dixie Plaintiffs have also joined in the Class Plaintiffs' Omnibus Response in Opposition to the Defendants' Individual Motions to Dismiss which was previously filed at Dkt. No. 479 in *In Re Pork Antitrust Litigation*, case no. 18-cv-1776 (JRT/HB).

7. A true and correct copy of the Class Plaintiffs' Omnibus Opposition to Defendants' Individual Motions to Dismiss (which the Winn-Dixie Plaintiffs have joined) is attached hereto as Exhibit 2.

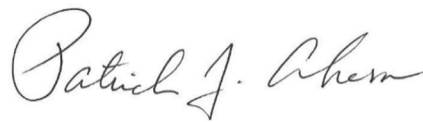
8. Plaintiffs have also prepared two charts for the convenience of the Court that respectively cross-reference the citations to the Class Action Complaints referenced in both the Class Plaintiffs' Opposition to Defendants' Joint Motion to Dismiss and the Class Plaintiffs' Omnibus Opposition to Defendants' Individual Motions to Dismiss with the same or similar allegations contained in the Winn-Dixie Plaintiffs' Second Amended Complaint.

9. A true and Correct copy of the Winn-Dixie Plaintiffs' Chart of complaint allegations referenced in the Class Plaintiffs' Opposition to Defendants' Joint Motion to Dismiss is attached hereto as Exhibit 3.

10. A true and correct copy of the Winn-Dixie Plaintiffs' chart of complaint allegations referenced in the Class Plaintiffs' Omnibus Opposition to Defendants' Individual Motions to Dismiss is attached hereto as Exhibit 4.

I make this Declaration as an officer of the court and under penalty of perjury under the laws of the United States.

Dated: February 26, 2020



Patrick J. Ahern

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 26, 2019, a true and correct copy of the foregoing was served on all Defendants through one or more of their counsel of record via the court's ECF system.

/s/ Patrick J. Ahern

*Counsel for Plaintiffs Winn-Dixie Stores,
Inc. and Bi-Lo Holdings, LLC*

Patrick J. Ahern
Ahern and Associates, P.C.
Willoughby Tower
8 South Michigan Avenue Suite 3600
Chicago, Illinois 60603
(312) 404-3760